

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/720,183	JANZEN ET AL.
	Examiner	Art Unit
	NGOC V DINH	2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 11/25/2003.
2.  The allowed claim(s) is/are 46-52.
3.  The drawings filed on 25 November 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

<ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date <u>11/25/2003</u></li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol>	<ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____.</li> <li>7. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol>
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## **DETAILED ACTION**

### **INFORMATION DISCLOSURE STATEMENT**

1. The Applicant's submission of the IDS filed 11/25/2003 have been considered. As required by M.P.E.P. 609 C(2), a copy of the PTOL-1449 is attached to the instant office action. As required by M.P.E.P. 2001.06(b) and C.F.R 1.98(d) since the instant application has been identified as a continuation application of an earlier filed application No. 09/804221 (PN 6,658,523) and is relied upon for an earlier filing date under 35 U.S.C. 120, the Examiner has reviewed the prior art cited in the earlier related application as required by M.P.E.P 904, and as stated in M.P.E.P 2001.06(b) no separate citation of the same prior art need be made in the instant application.

In this instant application, claims 1-45 have been canceled, claims 46-52 have been added.

### ***Terminal Disclaimer***

2. The terminal disclaimer filed on 07/27/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of PN 6,658,523 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### **Reasons for allowance**

3. The primary reasons for allowance of claim 46 in the instant application is the combination with

the inclusion of the limitation of “ setting said memory device to operate at a device read latency equal to said memory system read latency by adding a latency which is equal to a difference between said memory system read latency and a minimum device read latency of said memory device”.

The primary reasons for allowance of claim 50 in the instant application is the combination with the inclusion of the limitation of “ said memory device, in response to said latency command and said numeric value, is set to operate at a device read latency equal a minimum device read latency of said memory plus a number of clock cycles equal to said numeric value”.

Because claims 47-49, 51-52 depend directly or indirectly on claims 46 and 50. These claims are considered allowable for at least the same reasons noted above.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Janzen et al PN 6,445,624 discloses method and system for controlling read latency using flag.
  - b. Rao PN 5,890,195 discloses minimizing delay access due to system clock.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc Dinh whose telephone number is (703) 305-3023. The examiner can normally be reached on Monday-Friday 8:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald A. Sparks, can be reached on (703) 308-1756. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

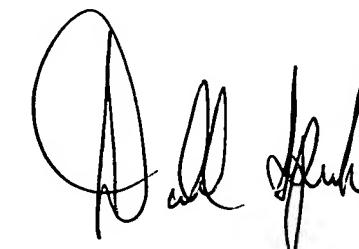
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



NGOC DINH

PATENT EXAMINER

ART UNIT 2187



DONALD SPARKS  
SUPERVISORY PATENT EXAMINER